

Calendar No. 768

106TH CONGRESS
2^D SESSION**H. R. 468****[Report No. 106–392]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 1999

Received; read twice and referred to the Committee on Energy and Natural
Resources

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr.
MURKOWSKI, with an amendment[Omit the part struck through and insert the part printed in *italic*]**AN ACT**

To establish the Saint Helena Island National Scenic Area.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Saint Helena Island
 5 National Scenic Area Act”.

6 **SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NA-**
 7 **TIONAL SCENIC AREA, MICHIGAN.**

8 (a) PURPOSE.—The purposes of this Act are—

1 (1) to preserve and protect for present and fu-
2 ture generations the outstanding resources and val-
3 ues of Saint Helena Island in Lake Michigan, Michi-
4 gan; and

5 (2) to provide for the conservation, protection,
6 and enhancement of primitive recreation opportuni-
7 ties, fish and wildlife habitat, vegetation, and histor-
8 ical and cultural resources of the island.

9 (b) ESTABLISHMENT.—For the purposes described in
10 subsection (a), there shall be established the Saint Helena
11 Island National Scenic Area (in this Act referred to as
12 the “scenic area”).

13 (c) EFFECTIVE UPON CONVEYANCE.—Subsection (b)
14 shall be effective upon conveyance of satisfactory title to
15 the United States of the whole of Saint Helena Island,
16 except that portion conveyed to the Great Lakes Light-
17 house Keepers Association pursuant to section 1001 of the
18 Coast Guard Authorization Act of 1996 (Public Law 104–
19 324; 110 Stat. 3948).

20 **SEC. 3. BOUNDARIES.**

21 (a) SAINT HELENA ISLAND.—The scenic area shall
22 comprise all of Saint Helena Island, in Lake Michigan,
23 Michigan, and all associated rocks, pinnacles, islands, and
24 islets within one-eighth mile of the shore of Saint Helena
25 Island.

1 (b) BOUNDARIES OF HIAWATHA NATIONAL FOREST
 2 EXTENDED.—Upon establishment of the scenic area, the
 3 boundaries of the Hiawatha National Forest shall be ex-
 4 tended to include all of the lands within the scenic area.
 5 All such extended boundaries shall be deemed boundaries
 6 in existence as of January 1, 1965, for the purposes of
 7 section 8 of the Land and Water Conservation Fund Act
 8 of 1965 (16 U.S.C. 460l–9).

9 (c) PAYMENTS TO LOCAL GOVERNMENTS.—Solely
 10 for purposes of payments to local governments pursuant
 11 to section 6902 of title 31, United States Code, lands ac-
 12 quired by the United States under this Act shall be treated
 13 as entitlement lands.

14 **SEC. 4. ADMINISTRATION AND MANAGEMENT.**

15 (a) ADMINISTRATION.—Subject to valid existing
 16 rights, the Secretary of Agriculture (in this Act referred
 17 to as the “Secretary”) shall administer the scenic area in
 18 accordance with the laws, rules, and regulations applicable
 19 to the National Forest System in furtherance of the pur-
 20 poses of this Act.

21 (b) SPECIAL MANAGEMENT REQUIREMENTS.—~~With-~~
 22 ~~in 3 years of the date of the enactment of this Act, the~~
 23 ~~Secretary shall seek to develop a management plan for the~~
 24 ~~scenic area as an amendment to the land and resources~~
 25 ~~management plan for the Hiawatha National Forest.~~

1 *Within 3 years of the acquisition of 50 percent of the land*
2 *authorized for acquisition under section 7, the Secretary*
3 *shall develop an amendment to the land and resources man-*
4 *agement plan for the Hiawatha National Forest which will*
5 *direct management of the scenic area.* Such an amendment
6 shall conform to the provisions of this Act. Nothing in this
7 Act shall require the Secretary to revise the land and re-
8 source management plan for the Hiawatha National For-
9 est pursuant to section 6 of the Forest and Rangeland
10 Renewable Resources Planning Act of 1974 (16 U.S.C.
11 1604). In developing a plan for management of the scenic
12 area, the Secretary shall address the following special
13 management considerations:

14 (1) PUBLIC ACCESS.—Alternative means for
15 providing public access from the mainland to the
16 scenic area shall be considered, including any avail-
17 able existing services and facilities, concessionaires,
18 special use permits, or other means of making public
19 access available for the purposes of this Act.

20 (2) ROADS.—After the date of the enactment of
21 this Act, no new permanent roads shall be con-
22 structed within the scenic area.

23 (3) VEGETATION MANAGEMENT.—No timber
24 harvest shall be allowed within the scenic area, ex-
25 cept as may be necessary in the control of fire, in-

1 sects, and diseases, and to provide for public safety
2 and trail access. Notwithstanding the foregoing, the
3 Secretary may engage in vegetation manipulation
4 practices for maintenance of wildlife habitat and vis-
5 ual quality. Trees cut for these purposes may be uti-
6 lized, salvaged, or removed from the scenic area as
7 authorized by the Secretary.

8 (4) MOTORIZED TRAVEL.—Motorized travel
9 shall not be permitted within the scenic area, except
10 on the waters of Lake Michigan, and as necessary
11 for administrative use in furtherance of the purposes
12 of this Act.

13 (5) FIRE.—Wildfires shall be suppressed in a
14 manner consistent with the purposes of this Act,
15 using such means as the Secretary deems appro-
16 priate.

17 (6) INSECTS AND DISEASE.—Insect and disease
18 outbreaks may be controlled in the scenic area to
19 maintain scenic quality, prevent tree mortality, or to
20 reduce hazards to visitors.

21 (7) DOCKAGE.—The Secretary shall provide
22 through concession, permit, or other means docking
23 facilities consistent with the management plan devel-
24 oped pursuant to this section.

1 (8) SAFETY.—The Secretary shall take reason-
2 able actions to provide for public health and safety
3 and for the protection of the scenic area in the event
4 of fire or infestation of insects or disease.

5 (c) CONSULTATION.—In preparing the management
6 plan, the Secretary shall consult with appropriate State
7 and local government officials, provide for full public par-
8 ticipation, and consider the views of all interested parties,
9 organizations, and individuals.

10 **SEC. 5. FISH AND GAME.**

11 Nothing in this Act shall be construed as affecting
12 the jurisdiction or responsibilities of the State of Michigan
13 with respect to fish and wildlife in the scenic area.

14 **SEC. 6. MINERALS.**

15 Subject to valid existing rights, the lands within the
16 scenic area are hereby withdrawn from disposition under
17 all laws pertaining to mineral leasing, including all laws
18 pertaining to geothermal leasing. Also subject to valid ex-
19 isting rights, the Secretary shall not allow any mineral de-
20 velopment on federally owned land within the scenic area,
21 except that common varieties of mineral materials, such
22 as stone and gravel, may be utilized only as authorized
23 by the Secretary to the extent necessary for construction
24 and maintenance of roads and facilities within the scenic
25 area.

1 **SEC. 7. ACQUISITION.**

2 (a) ACQUISITION OF LANDS WITHIN THE SCENIC
3 AREA.—The Secretary shall acquire, by purchase from
4 willing sellers, gift, or exchange, lands, waters, structures,
5 or interests therein, including scenic or other easements,
6 within the boundaries of the scenic area to further the
7 purposes of this Act.

8 (b) ACQUISITION OF OTHER LANDS.—The Secretary
9 may acquire, by purchase from willing sellers, gift, or ex-
10 change, not more than 10 acres of land, including any im-
11 provements thereon, on the mainland to provide access to
12 and administrative facilities for the scenic area.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) ACQUISITION OF LANDS.—There are hereby au-
15 thorized to be appropriated such sums as may be nec-
16 essary for the acquisition of land, interests in land, or
17 structures within the scenic area and on the mainland as
18 provided in section 7.

19 (b) OTHER PURPOSES.—In addition to the amounts
20 authorized to be appropriated under subsection (a), there
21 are authorized to be appropriated such sums as may be

- 1 necessary for the development and implementation of the
- 2 management plan under section 4(b).

Passed the House of Representatives September 21,
1999.

Attest:

JEFF TRANDAHL,

Clerk.

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